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Proceedings of the One Hundred Twelfth Annual Meeting of the North Dakota State Bar Association

North Dakota State Bar Association

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PROCEEDINGS OF THE ONE HUNDRED TWELFTH
ANNUAL MEETING OF THE NORTH DAKOTA
STATE BAR ASSOCIATION

OFFICERS

KRISTEN S. PETTIT VENHUIZENPresident
HON. GAIL H. HAGERTY President-Elect
NANCY J. MORRIS Secretary-Treasurer
SANDI TABOR Immediate Past President
WILLIAM NEUMANNExecutive Director

PROCEEDINGS

June 16, 2011

MS. TABOR: Good afternoon. I'd like to call to order the 112th annual meeting of the State Bar Association of North Dakota.

This afternoon we're going to begin our meeting with the presentation of colors by VFW 7564, West Fargo. The members of the color guard include Bill Tuff, Jim Hapala, Daryl Best, and Eugene Cross.

Ladies and gentlemen, please stand, and as the flag passes by you place your hand over your heart. Once the colors have been presented, we'll say the Pledge of Allegiance, and then the national anthem will be sung by our own Levi Andrist.

Gentlemen . . .

Please join me in the Pledge of Allegiance. You may be seated.

Thanks so much to VFW 7564 and, of course, a very big thanks for Levi, the yodeler, Andrist.

Okay. On to business. I'm appointing Justice Dan Crothers to serve as parliamentarian, and he will help me keep track of the meeting; although, he's already tried to get out of it.

There's also some thanks that I should give, especially, to the local committee who planned this event, and so far, from the comments I received, they planned a good one.

The local committee includes Scott Strand, chair, Joel Larson, cochair, Mitch Armstrong, Lee Ann Barnhardt, Annette Bendish, Stacey Bossart, Tatum Lindbo, Tracy Lyson, Christopher McShane, Doug Murch, Robert Stock, and Aubrey Zuger.

I'd also like to extend thanks to our silent auction committee; although, I'm not sure they think of themselves as that. That group includes Charlotte (inaudible), Margi Lee, and Holly Crothers.

You know, it's a big job to put together that silent auction, and it takes a tremendous amount of energy. They're going to be recognized again tonight. I hope you all show your gratitude by a huge round of applause.

Okay. You're going to have to do better tonight, but then they'll be here, so before we join Justice VandeWalle I do want to just take a couple minutes and say a few words to you and reflect on my year as president.

When I renounced I often suggest that my mission for my year as president was to do no harm. I've said mostly in jest. To some degree I am very serious about it.

You know, one should always strive to leave an office knowing that she did not harm and, in fact, helped her organization to at least move one step forward. With the help of a tremendous group of individuals serving on the board of governors, I think we were able to move at least one step forward.

Serving on the board of governors and as an officer of the State Bar Association has provided me with an opportunity to be part of a team of individuals who truly care about the attorneys and the practice of law in North Dakota.

We are fortunate to have a group of dedicated board members to share a common concern about the challenges facing our members as the practice of law becomes more competitive.

An added bonus is the fact that the association is staffed by an experienced team of professionals who recognize that their job is to provide quality service to each and every member of the association, and they do their job well.

Yet the association is no different that many nonprofit organizations when it comes to member participation. In the state of changing cultural norms, the association searches to define how it can better serve its members and how it can engage more members to participate in the association activities. It is an age-old struggle.

Planning for the future is just one way to identify the changes in the profession that need to be addressed, and in September the board of governors did just that as they spent a day and a half creating a new strategic plan for the association.

The new plan focuses on membership involvement and the development of new future leaders. It is based, in part, on the results of the

membership survey we conducted in 2010. We used the survey to help us design a plan that takes your concerns into consideration.

The new plan contains five goals, and all involve, in one way or another, a focus on getting more attorneys involved in association activities.

The key to this is an overarching goal to improve the quality of our communications to our members. Our goal is to take advantage of social media, to market or seed a lead program and other services to a younger crowd.

We want to get feedback more often from members by using electronic survey tools. We'll ask the editorial board to evaluate the effectiveness of the gavel, the bar blast, and report to the board next fall with their findings.

We'll take steps to coordinate association activities with local and district bar associations to provide more opportunities for members to learn about the association services. We'll also continue our efforts to encourage young lawyers to become active members in the association.

Developing and maintaining a strong mentor program, continuing the leadership form, and facilitating other networking opportunities for young lawyers are just a few of the ideas contained in the plan.

And as we prepare the next generation for leadership positions, the board also recognized the immediate need to encourage local and district bar leaders as well as section leaders to serve on committees and on the board of governors.

In addition we plan to assess member benefit and services programs offered by bar associations of similar size to ours in order to identify potential new program opportunities for our members.

The new plan will maintain the association's commitment to promote justice, educate the public about the vital role attorneys play in the legal system, and highlight the benefits lawyers bring to their communities.

We want to improve the way we publically recognize volunteer efforts of so many of our members as we strive to make the communities better place to live and work, and we will continue to encourage a greater public understanding of the importance of the justice system by sponsoring programs like We The People, the People's Law School, and continuing the publication of the graduating into the (inaudible).

For the next two years, the association plans an aggressive schedule to make you more aware of how we are doing to meet the goals of this new plan.

While not every plan is perfect, I can assure you that the board of governors is dedicated to making SBAND more relevant in your life by getting you to tell us how to do so.

On a closing note, it has been my pleasure to serve as your president. My goal was to do no harm, and I think I was successful.

Many thanks to the SBAND staff, who made the job easy, and to the members of the board of governors who put up with me, so thank you so much for letting me serve you. Thanks. Thank you. Thanks so much.

And now on to someone who probably needs no introduction, but it is as tradition that I get to welcome my good friend Chief Justice Gerald W. VandeWalle to present the state of the judiciary address.

Justice VandeWalle . . .

CHIEF JUSTICE VANDE WALLE: Thank you. Please be seated. There's not a lot of time this afternoon, so please be seated, thank you, and good afternoon.

I'm pleased to present the state of judiciary report to the 112th annual meeting in the State Bar Association. Despite what some of the younger lawyers and some of the middle-aged lawyers still believe, I have not been in attendance at all 112 meetings.

A few people in this room were in attendance at the same meeting I was a few weeks ago in which the speaker, a retired law dean, in talking about his age said, "With age comes wisdom, but sometimes age comes alone."

I began this report with some observations on the recent legislative session with respect to the third branch of government, the judicial branch. It was not an extraordinary session from our standpoint. We did not propose new high-profile programs, and our requests for funding were modest.

We did receive some, but not all, of the new FTEs we requested, but the idea of new FTEs, salary increases, and some additional funding for programs is nearly unique when compare with reductions in staff, closing of courthouses, and loss of programs most of our colleagues and other states are enduring.

I acknowledge and I appreciate the support of the bar, Bill and Sandi, and the others who were there to support the judiciary, and I also recognize the work of our lawyer legislatures. They are few in number but large in stature.

For the last two legislative sessions, I have urged the study of guardianship and other issues affecting the elderly. North Dakota has a population that is aging faster than most states.

If not with wisdom, age does come with vulnerability, and there are unscrupulous people who do not hesitate to take advantage when they sense an opportunity. Financial exploitation, domestic violence, and neglect of elders can occur between strangers and family members.

Our system of compensating public administrators should be reviewed. The legislature did not accept our particular proposal, elder issues, but did agree to contract with an outside entity to study guardianship issues.

And the legislative management committee indicated they will consider some of the issues with which they are concerned in that study. It is assigned to an interim committee on human services.

Arising out of discussions that originated with the Alternatives to Incarceration Committee, the legislatures decided to take up the issue of the number and types of fees that courts are mandated to impose in criminal cases.

These types of fees often remain uncollected over the years, and if they are all imposed the total may, at times, exceed the actual fine.

These fees—the fees have been added piecemeal, and it is time to review the cumulative effect of (inaudible) legislation, and we look forward to seeing the results of the study. That study is assigned to the commission on alternatives to incarceration.

Another interim study that will be of interest to many of you is a legislative study of the statutes of limitations in civil cases. Our current six-year statute of limitations was originally enacted as part of the revised codes of the territory in Dakota in 1877.

The legislative history of this study shows both sides put forth a passionate argument by their most skilled litigators before the bill to shorten the statute of limitations for injury to person from six years to three years, was turned into a study resolution, a reminder that it is not only the courts that are asked to take testimony and make difficult decisions, and that study is assigned to the interim judiciary committee.

Another study assigned to the interim judiciary committee is a study of juvenile court jurisdiction, and the process of transferring juveniles to district court or adult court is a resolution used as a common vernacular; although, the term “adult court” is not defined by a statute, nor has the legislature created an adult court by that name.

We have been doing some studying of our own. Nationally North Dakota and West Virginia ranked as the two states with the highest per capita rate of military enlistment.

When our veterans returned to North Dakota, it is an unfortunate fact that sometimes the things they experience in combat come back with them.

Along with physical disability that may be severe enough to require the appointment of a guardian or conservator, there are two less visible but equally problematic illnesses that can cause veterans to come into contact with the court.

Posttraumatic stress can manifest in various ways, including drug-and-alcohol abuse, violence, disorderly conduct, and mental health disturbances.

Traumatic brain injury from exposure to bombs or motor vehicle accidents can cause irritability, mood swings, depression, and increased impulse control and decreased impulse control, which may impact the family and the veteran's ability to maintain employment.

Veterans court, based upon the problem solving of drug courts, is an increasingly popular way for court systems to address the unique needs of veterans, and there has been some interest in starting a veterans court in North Dakota.

Our court services committee, chaired by Justice Daniel Crothers, has been studying veterans courts over the past year. The committee has submitted a report concluding that, because we do not know that extent to which specialized services may be needed and based upon our court organization and (inaudible), a better model for North Dakota is individual justice planning.

Under this model we would not create a separate veterans court but instead would focus on early identification of veterans, an assessment of the needs of the veterans in close cooperation with veterans service organizations to see that the veteran gets the help he or she needs. The court will consider the report in the near future.

The ability of a party to fully participate in his or her case is a fundamental-access issue that becomes particularly relevant in cases involving litigants who are not proficient in the English language.

In the past the court system provided interpreters at no cost for defendants in criminal and juvenile cases. We have recently expanded that policy and now provide interpreters for litigants and witnesses in criminal, juvenile delinquency, child welfare, divorce, annulment, custody child support, guardianship, conservatorship, and mental health cases.

The United States Department of Justice has taken a great interest in this issue at the state level and is demanding that more be done.

I have asked the court improvement committee, chaired by Judge Sonja Clapp, with studying the American Bar Association's principles and standards for excellence in child abuse and neglect proceedings.

These standards are in addition to the ABA's and the court's docket currency standards and relate to court organization, selection, education, and training of judges and case processing. The committee has been meeting regularly, and I expect to have a recommendation from them in the coming months.

The commission to study racial and ethnic bias in the courts, cochaired by Justice Carol Kapsner and District Judge Donovan Foughty, continues its mission.

Commission has begun to push forward—to begin to push forward toward completion of the study of racial and ethnic bias in the courts and toward a final report with recommendations.

Sections of the final report covering juries, interpreters, and other areas of study have already been drafted and continue to be discussed.

Recommendations are being derived from data gathered to date and from an ongoing analysis of other state reports and specific studies on individual topics with these secondary sources, either supporting general recommendations or providing information relevant to issues arising in North Dakota.

Having completed a series of public meetings throughout the state, the commission is in the process of implementing several surveys designed to gather information specifically from attorneys, court personnel, and defendants who have completed the entire court process.

The commission is also working to create a small number of focus groups to attempt to gather data from individuals who were not reached in previous meetings but whose professions provide them with insight on bias issues in the courts.

Last year the American Bar Association began an access to justice initiative with the primary focus on overcoming barriers to civil justice created by inability to afford counsel, culture, language, and age.

Part of that initiative is to encourage the highest court in each state to create an access to justice commission. At the risk of repeating what I have already said, I want to take a moment to review what North Dakota has already done in this area.

The charge to the access to justice commission includes conducting the survey to determine the needs of the poor and the elderly. In North Dakota the State Bar Association and Legal Services of North Dakota have quite recently conducted those types of surveys.

The charge also includes changing court rules to allow for limited or unbundled representations and allowing retired attorneys to offer pro bono services. Our rules do allow for those things.

The second charge of the access to justice commission is to expand interpreter services for litigants and cultural awareness for courts in the bar.

Several years ago the court services administration committee, then under the chairmanship of Justice Carol Kapsner, wrote a court interpreter handbook that is available in every clerk of court and juvenile court office and on our Web site.

The judicial education committee, chaired by Justice Mary Maring—Mary Maring, incorporates into our annual conferences training on cultural sensitivity, implicit (inaudible), and practical tips on when and how to use interpreters effectively.

And we create a commission to (inaudible) ethnic bias in the courts. In addition we have recently expanded the types of cases in which the court provides foreign-language interpreters.

A final charge in the access to justice commission is to expand services for self-represented litigants. Although we have not gone as far down this road as some courts have, we are making steady progress in this area.

We developed a court policy on assisting self-represented litigants that has been in effect since 2003 and have developed forms for small-claims, child-support, divorce, and probate actions.

We have done a great deal with the access to justice issues because the court system and the state bar recognize that access to justice is more than just the ability to hire a lawyer or to get a hearing before a judge. We acknowledge that there's work to be done in this area, and that work will continue without establishing a commission at this time.

Statistics from our district court mediation program for families reveal that 55 percent of cases going through a mediation settle all issues, and another 17 percent settle some of their issues. 83 percent of the participants report they are satisfied relying on these efforts.

We hope to expand mediation to contested probate and family law cases at the appellate level. As with our district court mediation programs, settling cases is secondary, the primary goal of minimizing family conflict by encouraging shared decision making.

The joint committee on ADR, chaired by Robert Udland, has developed a program protocol and a proposed rule that court expects to circulate this summer in anticipation of possibly offering the first mediation sessions this fall.

North Dakota government has had a number of technology projects that were not completed timely, were over budget, or had to be substantially reworked. Odyssey, the judicial case management system, is now operational statewide. I am grateful and greatly relieved that it came on line, ahead of schedule, and under budget.

I acknowledge with gratitude the work of the court technology committee chaired by Justice Dale Sandstrom and our technology staff, but it would not have been possible without the work and cooperation of the entire judicial staff, particularly the clerks of court, and without your understanding and cooperation.

I expect there are remaining issues to work out, and other problems to resolve will arise in the future, but I am confident we will resolve those issues, and the (inaudible) will enable us to adapt and change the way we do business, to be effective and more efficient.

I mentioned before that I serve on the ABA 20/20 commission, whose charter is to examine the ethical and regulatory impact of advancing technology and increasing globalization on the legal profession and to make recommendations of the house of delegates.

I again mention it because the commission's recommendation will directly affect you as lawyers. This is a three-year project, and we are in the last quarter of the second year.

The commission is split up into working groups. I serve on several of those groups. One interesting group added later was to study the ranking of U.S. lawyers by Newsweek. It came from the New York bar. I was one of the few who did not have a conflict of interest on the subject.

Interestingly, North Dakota, along with New Jersey, solved the issue of publicizing lawyer arrangements in Rule 7.1 of the rules of professional conduct by stating that if a lawyer is using comparisons of the lawyer's services with other lawyers the comparison must be factually substantiated.

The commission has agreed on some recommendations on outsourcing confidentiality-related ethics issues for lawyers' use and technology and rules relating to inbound foreign lawyers, for the most part (inaudible) 5.5 and 8.5, to allow foreign lawyers the same right to temporarily practice in a jurisdiction that is given to lawyers from other states in this country.

The big issues, alternative business structures, including nonlawyer ownership of a law firm and alternative litigation finance, are under hot debate.

If you have interest in this matter, I urge you to go to the ABA Web site carrying the 20/20 reports, request for comments and recommendations. The American Bar Association Web site is www.americanbar.org. In fact, I urge you to look at it even if you are not interested, to the end that in the future you will not ask, "Why didn't someone tell me about this?"

I close with the observation that while we are not without flaws I believe the state of judiciary in North Dakota is vigorous, vital, and healthy. I hope you agree. Thank you for allowing me the privilege to appear before you.

PRESIDENT TABOR: Thank you, Justice VandeWalle.

As many of you know, when you travel to bar meetings, when you talk to other leaders and other bar associations, they are always in envy of the relationship that the association and the judiciary have in this state, and

it is largely due to our commander in chief, Chief Justice VandeWalle, so thank you.

Now we move to introduce he who needs no introduction. Our executive director, Mr. Bill Neumann, would like to say a few words to use.

Bill . . .

MR. NEUMANN: Thank you, Sandi, only a very few words.

Sandi, in her comments earlier, mentioned what really would be my report, and so there are just two things I would like to say.

First, Sandi mentioned the planning that the board of governors went through last September. Thomas Jefferson used to advise people to take things always by the smooth handle, and I'm convinced that all of the work that the board of governors did in this planning process is going to give both the board and the staff a smooth handle by which to try to move you association towards the—a better and more effective association for you, the members.

The other things I want to tell you is to—and many of you know this; many of you do not. Usually the person who is more important than any other in putting on one of these annual meetings is Jeanne Schlittenhard, our associate director.

About four weeks ago, Jeanne found out that the house that she and her husband, Louie, live in is very likely going to be inundated by the Missouri River, and so for the last four weeks Jeanne has been fighting floods. She and Louie had to move everything out of their house, had to find a place in town to live, had to put a ring dike around their house.

That means that the remaining staff—and there are a total of five and a half of us—the remaining staff had to very, very rapidly figure out what it was that Jeanne does every year at these things and fill the vacuum.

After some initial panic all the way around, they have managed to rise to the challenge and to the extent that this annual meeting works at all for us this week.

It is because of our SBAND staff, and I want to thank them very much for the way they have risen to this challenge, and that's it. As the chief said, we don't have a whole lot of time.

Chief, I think we're going to move on to some pro bono awards, if you would like to come down—downstairs with me.

MS. TABOR: While they're walking, let's give Bill Neumann a big hand. They really have worked hard this last month.

Has he been instructed? Yes? You ready?

All right. We now move to another part of the agenda of the general assembly that is always, I think one of our most important ones, and that is

recognizing our pro bono attorneys who have put in tremendous hours taking volunteer lawyer cases.

And, you know, community service comes in many forms, and the association's very proud of the efforts of its volunteer lawyer program and all of the individuals who donate hundreds of hours providing free legal time to those who would not otherwise be able to afford our civil justice system.

Every year we recognize those individuals who donate an extraordinary amount of time to the pro bono program. This year the top three attorneys contributing with SBAND's program were Robert A. Keogh with 398.4 hours—is Bob still here? I want you to know that Bob is no stranger to this award. I think that he's probably gotten it almost every single year. So, Bob, thank you so much—we also have Kent M. Morrow, who has done 240 hours—I don't think Kent is with us today. I'm pretty sure he's not. We'll let the pictures be finished. Thanks again, Bob—and, finally, Duane H. Schurman, who has donated 137.45 hours. Duane—thank you so much, Duane. Thanks to each and every one of you for your diligent efforts.

Next on our program, every year the president gets to honor—has the honor, excuse me, and pleasure of naming the outstanding committee chair.

One of our services our association provides to its members is what I like to refer to as the get-out-of-jail-free car, more commonly known as (inaudible). Lawyers who find themselves nearing a gray ethical area can ask the ethics committee for an opinion regarding the situation.

Administering the process and effectively running meetings where lawyers may disagree about the answer is never easy, but the chair of our ethics committee, Dann Greenwood, makes it look simple. Please help me recognize the 2011 outstanding chair, Dann Greenwood.

Dann, you're used to being up here.

As many of you know, Dann's the past president of the bar association and one of our great volunteers.

MR. GREENWOOD: The only thing I would say is I'm somewhat embarrassed to receive this because from my point of view the work is done mostly by the members who actually draft and present the opinions, and then Bill and Jeanne do most of the other work, so thank you.

MS. TABOR: Thanks so much, Dann, for all of the time you spend on SBAND activities.

Next we are going to hear about finances, and I believe our secretary of treasurer, Mike Williams, is going to present the financial report.

Mike . . .

MR. WILLIAMS: This is the financial report for the year 2010. The copy of this report, the 2011 budget, and the 2010 audit are provided in the general assembly handouts, the audit first.

The board of governors was pleased with the findings of the 2010 audit, which, once again, gave the association an unqualified opinion, the highest opinion available for an association.

The 2010 audit reflects year-end assets of \$1,341,313, which is up from \$1,203,844.29. This includes \$605,853 in restricted cash assets, \$32,099 in equipment, and inventory of \$1,631.

In 2010 the association's revenue was \$1,189,998, consistent with \$1,189,055.29, incurred expenditures of \$1,059,686 down from \$1,164,095 in 2009 for a decrease of \$943 in expenses for year-end 2010.

Our unrestricted general fund assets as of December 21, 2010, for 653,155 for a total net assets in the amount of \$1,259,008, which is up from \$1,128,696 in 2009.

For revenues, again, the association's 2010 total revenue was \$1,189,998. 43 percent of total revenue, or \$517,127, was from license fees available for SBAND's general operations, and 15 percent, or \$177,446, is legislatively mandated for operation of the disciplinary system.

For expenditures, our total expenditures for 2010 amounted to \$1,059,686, including total disciplinary expenses of 158,231 and general and administrative expenses of \$728,774.

The 2011 budget, all association expenses are closely monitored by the board of governors to guarantee that you, our membership, receive the best value for your dollar.

The board tracks all spending through detailed monthly financial reports to ensure that your association can continue to provide the quality services and programs that you have come to expect.

The board continues to monitor all trends. If you would like more information about the budget, please feel free to contact Bill at any time at the SBAND office. Thank you very much.

MS. TABOR: If you are interested in looking at any of the general assembly materials, because all the committee sections and task force reports are included in that material along with Mike's report, go to the registration desk—I know they made some copies—and they'll be available for you.

I'd also just like to take a second to thank all of the people who work on our committees, our task forces, and our section leaders because without you we really wouldn't have many programs, so thanks for all the time that people volunteer.

Next up is Jack McDonald, who is going to give the report of the North Dakota Bar Foundation. Please help me welcome Jack.

MR. MC DONALD: Thank you very much.

The first thing I want to report is that Representative Weiner resigned this afternoon, so those of you who were wondering about that a lot, you don't have to—you don't have Representative Weiner to kick around anymore.

The bar foundation report is No. 11 in the handout, so you can read the details of it. As you know, the bar foundation really has two goals.

One is that we administer the IOLTA accounts, the Interest on Lawyer Trust—Lawyer Accounts, trust funds, and, second, we have a general public service function of the bar foundation, trying to support public service activities.

Regarding the IOLTA accounts, the report says an IOLTA update, but it's really not an update because you know the interest—interest is becoming almost a disappearing word, and so the interest in the IOLTA accounts has been steadily going down.

As of December 31st of 2010, last year's—the interest generated only \$63,947. That's down about \$13,000 from 2009 and down a whopping \$77,000 from 2008, and so it's getting more and more difficult to—to—to fund IOLTA projects.

This last year the IOLTA projects, as they were funded, for 2010 included Legal Services of North Dakota for \$54,000, the SBAND Volunteer Lawyer program for 50,000, North Dakota women's abuse center for 12,5000, Southern Minnesota Regional Services, 3,500, graduated into the Adult World booklet, \$3,900.

And the—this year the IOLTA committee cut by 50 percent—or last year, rather cut by 50 percent the request for the law-related education program We The People, and they did fund it, though, at 22,125.

So there was a total of \$146,000 given in IOLTA grants, but to do that they had to dip into the reserves, \$83,000, to fund that money, so we need a stimulus program for the—for the IOLTA.

So I want to thank the IOLTA committee members—the IOLTA committee is a separate committee from the bar foundation committee—and the current IOLTA board committees are David Peterson, Krista Anderson, Timothy Priebe, Jill Gackle Denning (phonetic), and Bethany Andrist, and so I really thank them and appreciate their work.

The bar foundation's second role, as I said, is a general public service function, use the money to support various foundation programs. For 2011 the bar foundation approved again to support the Randy Lee chair

at the University of North Dakota law school in honor of Professor Randy Lee.

In addition we give scholarships for the law review case comment award, we give homecoming scholarships for the top first-year law students, and we given a grant to the UND School of Law for public interest law internship programs that usually run during the summer.

The—for 2010 the foundation awarded—earned about \$59,000, we raised, and that was through our fund-raiser and through the individual checkoffs that—that you do when you—when you send in your dues. We really appreciate that.

In addition, as those of you here last year remember, the—the SBAND decided to start a pro bono fund and—to—to—to help the pro bono program. That had a very successful first year.

And the first year, 2010, the—there was a total of \$19,840 donated for that pro bono fund, and, Tuesday, the bar foundation decided to award the \$19,840 to the LSND, Legal Services of North Dakota's private attorney involvement program, the PAI program.

So we want you to know that—that all of you who were helping out with that pro bono fund, that money is going directly to help -- to help pro bono attorneys operate through the private-attorney fund, and we hope to continue that program in 2011 and onwards.

Finally, I did want to thank our—the members of the bar foundation. Jack Marcil is the vice chairman. The other members are Wally Goulet, Jim Hill, Sherry Mills Moore, Paul Richard, Timothy Priebe, Lolita Romanick, Ben Thomas, Robert Thomas—get all the Thomases we can in North Dakota—Kathy Rand, the dean of the law school, the new dean, Sandi Tabor, and Kristi Pettit.

And, finally, I do want to encourage you to—to come to our fund-raiser tonight, the main fund-raiser the foundation has every year, the silent auction, and that will be coming up this evening, and I hope that you all come and try to bid on some of the projects, some of the items, and, as Sandi said earlier, be generous. It really helps the foundation. Thank you very much.

MS. TABOR: Thanks so much, Jack.

Jack has done an outstanding job (inaudible) the foundation. He has done it for a number of years. I just want to extend my appreciation for his time and effort that he puts into it and his dedication to the foundation.

Thanks so much, Jack.

Next we have resolutions of thanks. I'm going to call on Kristi Pettit to read a couple motions.

Kristi . . .

MS. PETTIT: Thank you Sandi.

Mr. Hill . . .

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. PETTIT: There is a motion. Do we have a second?

UNIDENTIFIED SPEAKER: Second.

MS. PETTIT: And there's a second.

Any other discussion?

All in favor of the motion say aye.

Any opposed?

Motion carries. We have resolution 2 and 3.

Mr. Hill . . .

MR. HILL: (Inaudible.)

MS. PETTIT: Thank you.

We have a motion. Is there a second?

We have a second.

Any other discussion on the motion?

All in favor say aye.

Any opposed?

The ayes have it. Thank you very much.

MS. TABOR: Well done, Kristi. Thank you.

You know, another thing that has been a long-standing tradition of these general assemblies is to take a moment to remember our colleagues who passed away during—since the last—the last-standing meeting of 2010.

Let me take a moment to read the names of those individuals: Bayard Lewis, Charles C. Emerson Murray, Brent A. Kary, the Honorable Bert L. Wilson, Bruce B. Bair, Michael Unhjem, Mary O'Donnell, Mark F. Purdy, John E. Jack Rilling, Norbert H. Lange, James R. Jungroth, Paul W. Summers, and Carl O. Kip Flagstad.

If we could just take a moment of silence in their honor. Thank you.

And now we move to the most exciting part of the annual meeting, the election of president-elect and secretary-treasurer.

Pursuant to our bylaws in the Constitution, the only candidates who filed nominating petitions are eligible for election, and at this time I will call on Jeanne McLean for a nomination.

MS. MC LEAN: Thank you.

I would like to place a nomination for president-elect Gail Hagerty and just a few words about Gail.

I've known Gail since we were 18 years old, and when we discussed this I told her, "Wow, I could really reminisce with some stories," and she

said, “Well, feel free, but right back at you,” so we’ll dispense with that and go on to Gail’s professional qualifications.

Gail has been the Burleigh County State’s Attorney, a County judge for eight years, the district judge currently, and since 1995 she is the presiding judge of the district and has been since 2004.

Gail’s been on the board of governors for the last two years. She was president of the Big Muddy Bar Association in 2010, and during her term as president they had a law day for sixth-graders in the Bismarck-Mandan area.

They hosted a free meal each week to about 300—a total of about 350 people at Trinity Lutheran Church in Bismarck. They had a legal services fair and many more things in that year.

She has chaired the following to the judicial conference pattern: Jury commission, informal complaint panel, the judges association, state’s attorneys association, the indigent defense commission, and the Muddy Bar Association commission.

She is a member, a current member, of the Uniform Law Commission, she’s very active in her church and community, and many of use know that she is incredibly famous for her chocolate chip cookies and scotch-a-roos, so it is my honor again to nominate Gail Hagerty for president-elect.

MS. TABOR: Thank you, Jeanne.

Is there a second to that motion?

UNIDENTIFIED SPEAKER: I second that.

MS. TABOR: I’m sure your home will be happier because of that.

We have a motion and a second to nominate Judge Hagerty to the position of president-elect.

Mr. Hill . . .

MR. HILL: (Inaudible.)

MS. TABOR: Is there a second to that motion?

There is a second to the motion to cease nominations and cast a unanimous ballot to elect Gail Hagerty for the position of president-elect.

All in favor of the motion say aye.

All opposed?

Motion carries.

Judge Hagerty, would you like to say anything?

No acceptance speech. You’ll save that for tonight. All right. Very good. Thank you.

We’ll then move forward to the election for secretary-treasurer. At this time the chair will recognize Jane Dynes.

MS. DYNES: Thank you, madam president.

It's my happy task to introduce you, if you don't already know her, to Nancy Morris, who is going to be our nominee for secretary-treasurer of SBAND.

Nancy is a graduate of UND law school. After her graduation she clerked for United States District Court judge Rodney S. Webb, after that she spent seven years in private practice with economy firm in Fargo, and for the past 11 years she's clerked for Magistrate Judge Karen Klein.

In addition to her day job, Nancy also has been active in her state and local bars. She served as president of the Cass County Bar Association in 2006, and for the last three years she served on SBAND's board of governors as the president of the East Central Judicial District.

Nancy always comes to our meetings well prepared and ready to work, and she will make an excellent secretary-treasurer. I nominate Nancy Morris for secretary-treasurer.

MS. TABOR: Thank you, Jane.

Is there a second to the nomination?

MR. MURCH: (Inaudible.)

MS. TABOR: Please state your name.

MR. MURCH: Douglas Murch.

MS. TABOR: Douglas Hirsch?

MR. MURCH: Murch.

MS. TABOR: Murch, thanks, because I can't see anybody back there.

A motion to elect Nancy Morris to the position of secretary-treasurer was seconded by Douglas Murch.

Mr. Hill . . .

MR. HILL: Madam Chair, I move that the nominations cease and (inaudible).

MS. TABOR: There is a motion to cease nominations and cast a unanimous ballot for Nancy Morris to become secretary-treasurer—is there a second?—seconded by Justice Crothers.

All in favor of the motion say aye.

Opposed?

You are elected. Congratulations, Nancy.

Okay. It's now my pleasure to turn this gavel that I've been having fun with to our new president, Kristi Pettit. Please help me welcome her.

MS. PETTIT: Thank you all very much. I know you're all anxious to get out of here, so I'll be brief, but I first want to thank Mike Williams for his service to the State Bar Association. He will be missed on the board of governors.

And I also wanted to take this opportunity to thank Sandi Tabor, and she is too modest because she has been a wonderful leader, and she is tough act to follow, so she has really, I think, put the board of governors in a great place and has given me good -- good -- a good role model to follow.

So thank you very much, Sandi, for everything.

I am very excited to start this year as president of the State Bar Association, and I just wanted to let all of you know that I welcome any suggestions and ideas you have, so please feel free to contact me at any time with your suggestions because we are here to serve you, so thank you very much and enjoy the rest of the convention.

6:30 tonight for the silent auction, and I will repeat, Sandi, that -- you know, bring your checkbooks, your wallets, your purses. This is a really important time to try to earn money for the foundation so we can continue our service to the state and our citizens, so we'll see you tonight, 6:30, and then dinner, banquet at 7:30, so thank you all very much.

Meeting adjourned.

CERTIFICATE OF COURT REPORTER

I, Kerstin I. Schiltz, a Certified Shorthand Reporter, 118 North, Suite 200, Fargo, North Dakota, do hereby certify that the foregoing thirty-seven (37) pages of typewritten material constitute a full, true and correct transcript of my original stenotype notes, as they purport to contain, of the transcript of proceedings reported by me at the time and place hereinbefore mentioned.

Dated at Fargo, North Dakota, this 15th day of July 2011.

Kerstin I. Schiltz Registered Professional Reporter